

DOCKET NO. 3:14-cv-00489-FDW-DCK

Plaintiff,

WORLD RECOVERY SERVICE, LLC,

ORDER

Section 455(a) of Title 28 of the United States Code requires a federal judge to “disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” While the Court stops short of concluding that recusal here is required, the Court finds several unique factors in this case make recusal the more prudent action. Here, the Court notes the close proximity in time to the class attended by Plaintiff, as well as the fact the class was a concentrated seminar-style class limited to six students. Additionally, the instant motion before the Court concerns a

default judgment where the Court's discretion, in large part, governs the appropriate award of damages to Plaintiff. Thus, in the interests of avoiding the appearance of any impartiality, recusal is appropriate. The Court notes that this ruling is entirely distinguishable from a scenario where a former student appears as counsel for a party in an action before this Court. Instead, this case is *sui generis* in that a former student to a class taught by the undersigned less than three months ago is the *party* to this action.

IT IS THEREFORE ORDERED that the Court recuses itself from this matter, and the Clerk's office is respectfully DIRECTED to reassign this case to another judge.

IT IS SO ORDERED.

Signed: April 13, 2015

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

